IT Unit 3

Topic 2

# Ch 3, Data Analytics: Drawing Conclusions, Part 2

**Legal requirements,** p 129-134

Several federal & state laws govern information privacy.

* Privacy Act 1988 (federal)
* Privacy & Data Protection Act 2014 (state)
* Health Records Act 2001 (state)
* Copyright Act 1968
* Charter of Human Rights and Responsibilities Act, 206, (Vic)
* Spam Act 2003

Using the table, 3.1 indicate the effect, who it applies to and does not apply to for the following legislation:

**Federal Legislation:**

1. Privacy Act 1988 including Privacy Amendment Enhancing Privacy Protection Act 2012

**Effect**: Regulates handling of personal information about individuals.

**Applies to**: Federal government departments, health service providers, businesses that buy or sell personal information, credit reporting agencies, banks and credit card companies, organizations that handle tax file numbers and organizations that choose to opt in.

**Does not apply**: State/territory public hospitals, individuals not involved in business, Public schools and universities, media organizations acting in the course of journalism, political parties and politicians.

1. Copyright Act 1968

**Effect:** Protects the rights of individuals who produce creative and artistic works (intellectual property).

**Applies to:** All Australians using other people’s intellectual property.

**Does not apply:** N/A

1. Spam Act 2003

**Effect:** Prevents the sending of spamand harvesting of email addresses; regulates the sending of commercial emails.

**Applies to:** All Australians who send unsolicited commercial emails.

**Does not apply:** N/A

**Victorian, State Legislation:**

1. Charter of Human Rights and Responsibilities Act 2006

**Effect:** Protects the rights of individuals to freedom of privacy, thought, belief and expression.

**Applies to:** All Victorians

1. Privacy and Data Protection Act 2014

**Effect:** Enforces the Information Privacy Principles on Victorian public service organisations.

**Applies to:** Victorian state government departments, groups working with Victorian state government departments; including private companies, local governments (councils) and state schools, organisations that choose to opt-in and doesn’t apply to police.

1. Health Records Act 2001

**Effect:** Protects the privacy of health records.

**Applies to:** All Victorian organisations and state government departments that hold health records.

**Privacy legislation, p 131**

1. What is meant by:
   1. Personal information

* Refers to an individual’s private information such as; Name, address, telephone number, date of birth and bank account details.
  1. Sensitive information
* Refers to information that is protected against unwarranted disclosure, this information may need to be protected for legal and/or ethical reasons. E.g. Health, political/religious/philosophical beliefs, race or ethnicity.
  1. Health information
* Relates to an individual’s past and present health records, any holder of health information must abide by the privacy legislation, even if providing a health service is not their primary activity.

Australian Privacy Principles and Victorian Information privacy principles, p 132

List the 10 principles and their effect.

|  |  |
| --- | --- |
| **Principle** | **Effect** |
| 1 | To collect personal information |
| 2 | For the use and disclosure of personal information. |
| 3 | For improvement of data quality |
| 4 | For the improvement of data security |
| 5 | To provide a sense of openness |
| 6 | To provide access and improve upon correction |
| 7 | To keep it unique |
| 8 | To provide anonymity |
| 9 | Transborder of data flows |
| 10 | To collect sensitive information legally and ethically. |

**Spam Act 2003, p 132**

1. What is the nature of the Spam Act and what are its effects?

* The ‘Spam act of 2003’ regulates commercial email and electronic messages, including instant messaging. It does not govern faxes, voice calls or packages sent by postal mail. So in simple terms it filters out some of the ‘crap’ or ‘junk’ emails.

**Copyright Act 1968**, p 133

1. Describe this Act and the nature of its provisions.

* The ‘Copyright act of 1968’ is a federal law that recognises that any original creative or artistic work is the property of the person who created it. Any person wishing to use another person’s work must obtain permission and/or pay for a licence.

**Human Rights**

Charter of Human Rights and Responsibilities Act 2006, Vic, p 133

1. What are provisions of this Act?

* The ‘Charter of human rights and responsibilities act 2006’ protects the rights of privacy, reputation, freedom of belief and expression of individuals.